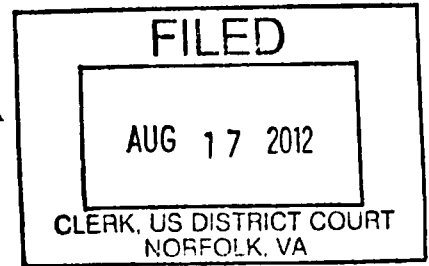


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



JORDAN JOSEPH KINARD, #1182772,

Petitioner,

v.

**HAROLD W. CLARKE, Director,
Virginia Department of Corrections,**

Respondent.

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ACTION NO. 2:12CV85

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to Petitioner's conviction of grand larceny on July 17, 2006 in the Circuit Court of Prince William County, Virginia, as a result of which he was sentenced to serve fifteen (15) years in prison with one year suspended, for an active prison term of fourteen (14) years.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed July 11, 2012 recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On July 26, 2012, the Court received Petitioner's Objections to the Report and Recommendation. The Respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed July 11, 2012. It is, therefore, ORDERED that Respondent's Motion to Dismiss is GRANTED and the Petitioner's petition is DENIED and DISMISSED with prejudice.

Petitioner is hereby notified that he may appeal from the Judgment entered pursuant to this Final Order by filing a *written* notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such Judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," and the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 123 S. Ct. 1029, 1039 (2003).

The Clerk shall please mail a copy of this Final Order to Petitioner and to the counsel of record for Respondent.



ARENDA L. WRIGHT ALLEN
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

Aug 16th, 2012